

REMARKS

Prior to entry of this amendment, claims 1-20 are currently pending in the subject application. Claims 1, 2, 7, 12 and 14 have been amended. Claims 18-20 have been canceled. Claims 21-27 have been added. Claims 1, 12, 21, 24, 25 and 27 are independent.

Applicants appreciate the Examiner's acceptance of the drawings filed on March 26, 2004.

Applicants further appreciate the Examiner's consideration of applicants' Information Disclosure Statements filed on March 3, 2005, and June 9, 2005.

Applicants request, in connection with the next Office action, consideration of the Information Disclosure Statement filed on July 7, 2006.

A. Introduction

In the outstanding Office action, the Examiner rejected claims 4, 7, 8 and 15 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention; objected to claim 12 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims; and rejected claims 1-11, 13-14 and 16-17 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0002809 (analogous to U.S. Patent No. 6,981,804) to Jian ("the Jian reference").

B. Asserted Indefiniteness Rejections of Claims 4, 7, 8 and 15

In the outstanding Office action, the Examiner rejected claims 4, 7, 8 and 15 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and

distinctly claim the subject matter which applicants regard as the invention. Applicants respectfully traverse this rejection for at least the reasons set forth below.

Claim 4 was rejected as being ambiguous due to the term “flush.” The specification has been amended to clarify that, absent the spacer substrate, opposing substrate surfaces in the stack would contact one another, which, if an optical element is present on one or both, would result in improper functioning. “Flush” as used in claim 4 is to indicate the substrates are even in one plane, as shown, for example, in FIGS. 1 and 2 of the original specification.

Claim 7 was rejected as being an incomplete limitation. Claim 7 has been amended to clarify that a conductive via on a bottom surface may be configured to receive a conductive structure therein, e.g., as shown in FIGS. 6 and 7 of the original specification. Regarding the rejection of claim 8, it is respectfully submitted that antecedent basis for the conductive structure may be found in claim 7, from which claim 8 depends.

Claim 15 was rejected as having insufficient antecedent basis for the at least two substrates. Claim 14, from which claim 15 depends, has been amended to clarify this antecedent basis.

Therefore, it is respectfully requested that these rejections be withdrawn.

C. Allowable Subject Matter

Applicants appreciate the Examiner’s indication of allowable subject matter in claim 12, as well as the potential allowability of claim 15. Claim 12 has been rewritten in independent form. Therefore, it is respectfully requested that claim 12 be allowed.

D. Asserted Obviousness Rejection of Claims 1-11, 13-14 and 16-17

In the outstanding Office action, the Examiner rejected claims 1-11, 13-14 and 16-17 under 35 U.S.C. § 103(a) as being unpatentable over the Jian reference. Claim 1 has been

amended to incorporate the limitations of claim 2, and the rejection of claim 2 is respectfully traversed for at least the reasons set forth below.

Claim 1 now recites, *inter alia*,

a spacer substrate, an interior surface of the spacer substrate is angled and has a reflective material thereon.;

a sealer substrate, the mount substrate, the spacer substrate and the sealer substrate being vertically stacked and hermetically sealing the optoelectronic device.

In rejecting claim 2 over the Jian reference, the Examiner relied on FIG. 6, item 671 therein as disclosing the angled, reflective surface. However, while the WDM filter 671 of FIG. 6 of the Jian reference may be partially reflective, it is not at an angle to the substrate, and cannot be considered to be on an interior surface of a spacer substrate which serves to seal an optoelectronic device. Therefore, it is respectfully requested that this rejection be withdrawn.

The remaining rejected claims, except claim 2, depend either directly or indirectly from claim 1, and are believed to be allowable for at least the reasons set forth above. Claim 2 now depends from new independent claim 27 and is believed to be allowable for at least the reasons set forth above. Therefore, it is respectfully requested that this rejection be withdrawn.

E. New Claims

Claims 21-27 have been added to further recite the present invention, and are respectfully submitted as being allowable for at least the reasons set forth below. Claims 21-26 are essentially claims 3-8 rewritten.

Claims 21-23 recite, *inter alia*, that “the electrical contact includes a metalized trench.” The Examiner relied on the metal plated hole 764 in the Jian reference as meeting this limitation. However, it is respectfully submitted that a hole is not a trench. Regarding the flush limitation in claim 22, it is respectfully submitted that the present explanation clarifies this limitation, which is clearly no longer read on by FIG. 6 of the Jian reference. Regarding the ledge limitation of claim 23, it is respectfully submitted that, in FIGS. 17 to 19 of the Jian reference, the extended portions of the wafers have metal layers thereon, not trenches therein, and that these extend to allow reflow of solder during manufacture, not as an electrical contact for the optoelectronic device.

Claim 24 recites, *inter alia*, the ledge. It is respectfully submitted that any ledge in FIGS. 17 to 19 of the Jian reference only serve to allow reflow of solder during manufacture, not as an electrical contact for the optoelectronic device.

Claims 25 and 26 recite, *inter alia*, that the electrical contact includes "a conductive via on a bottom surface of the mount substrate, the conductive via configured to receive a conductive structure therein." It is respectfully submitted that the metalized hole in 764 in the Jian reference cannot receive anything further therein. Further, while the Jian reference may discuss the use of solder balls generally, these balls are not to be received by the hole 764, in contrast to claim 26.

Claim 28 has been added to recite the mating feature, e.g., standoff 46 discussed in paragraph [0036] of the original specification.

F. Conclusion

The remaining documents cited by the Examiner were not relied on to reject the claims. Therefore, no comments concerning these documents are considered necessary at this time.

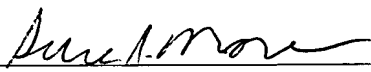
If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

In view of the foregoing amendments and remarks, reconsideration of this application is earnestly solicited, and an early and favorable further action upon all the claims is hereby requested.

Respectfully submitted,

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PETITION and
DEPOSIT ACCOUNT CHARGE AUTHORIZATION

This document and any concurrently filed papers are believed to be timely. Should any extension of the term be required, applicant hereby petitions the Director for such extension and requests that any applicable petition fee be charged to Deposit Account No. 50-1645.

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1645.

Any additional fee(s) necessary to effect the proper and timely filing of the accompanying-papers may also be charged to Deposit Account No. 50-1645.